



# **Weekly Summary of Cases**

## **National Labor Relations Board**

**Week of December 13-17, 2010, W-3291**

The *Weekly Summary* is provided for informational purposes only and is not intended to substitute for the opinions of the NLRB. Inquiries should be directed to the Office of Public Affairs at [Publicinfo@nrb.gov](mailto:Publicinfo@nrb.gov) or 202-273-1991.

### **Summarized Board Decisions**

#### **Decisions in cases involving prior rulings by two-member Board**

The following cases involve prior rulings by the two-member Board, whose authority to act was rejected by the U.S. Supreme Court decision in *New Process Steel, LP* (June 17, 2010). The new decisions summarized here were reached by a three-member panel of the Board or by the full Board.

***International Association of Machinists and Aerospace Workers District Lodge 160, Local Lodge 289*** (19-CD-502; 356 NLRB No. 54) Seattle, WA, December 15, 2010. [[HTML](#)] [[PDF](#)]

In this jurisdictional dispute, the Board awarded the work to employees represented by the International Longshore and Warehouse Union rather than employees represented by the International Association of Machinists and Aerospace Workers District Lodge 160, Local Lodge 289.

Charge filed by SSA Marine, Inc. and International Longshore and Warehouse Union. Chairman Liebman and Members Becker and Pearce participated.

\*\*\*

***Trump Plaza Hotel and Casino*** (4-CA-36217; 356 NLRB No. 53) Atlantic City, NJ, December 13, 2010. [[HTML](#)] [[PDF](#)] ***Trump Plaza Associates d/b/a Trump Plaza Hotel and Casino.***

In this case, the Board found that the respondent failed and refused to recognize and bargain with the union as the exclusive collective-bargaining representative of unit employees, in violation of the Act.

Charge filed by International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, AFL-CIO. Chairman Liebman and Members Becker and Pearce participated.

\*\*\*

**Rochelle Waste Disposal, LLC** (33-CA-15765; 356 NLRB No. 51) Rochelle, IL, December 13, 2010. [\[HTML\]](#) [\[PDF\]](#)

In this case, the Board found that the respondent failed and refused to recognize and bargain with the union as the exclusive collective-bargaining representative of unit employees, in violation of the Act.

Charge filed by International Union of Operating Engineers, Local 150, AFL-CIO. Chairman Liebman and Members Pearce and Hayes participated.

\*\*\*

## **Unpublished Board Decisions in Representation Cases**

**Preferred Meals Systems, Inc.** (13-RD-2652) Berkeley, IL, December 13, 2010. The Board having reviewed the record in light of exceptions and briefs found that the union's objections 1 and 2 raised substantial and material factual issues warranting a hearing. Board ordered that a hearing be held, that the Hearing Officer is to prepare and cause to be served on the parties a report containing resolutions of credibility of witnesses, findings of fact, and recommendations, and further remanding matter to the Regional Director for arranging hearing. Petitioner – an Individual. Chairman Liebman and Members Becker and Pearce participated.

**Air Park LGA, Inc.** (29-RC-11957) East Elmhurst, NY, December 15, 2010. Order denying employer's request for review of the Acting Regional Director's decision and direction of election. Petitioner – Garage Employees Union Local 272, International Brotherhood of Teamsters. Chairman Liebman and Members Becker and Pearce participated.

**Coastal Sunbelt Produce, Inc.** (5-RC-16605) Savage, MD, December 15, 2010. Order denying employer's request for review of the Regional Director's decision and direction of election. Petitioner – Drivers, Chauffeurs and Helpers Local 639 a/w International Brotherhood of Teamsters. Chairman Liebman and Members Becker and Pearce participated.

**American Red Cross, Heart of America Blood Services Region** (33-RC-5033) Peoria, IL, December 15, 2010. Order denying employer's request for review of the Regional Director's supplemental decision on objection and certification of representative. Petitioner – AFSCME (The American Federation of State, County and Municipal Employees), Council 31. Chairman Liebman and Members Pearce and Hayes participated.

\*\*\*

## **Decisions of Administrative Law Judges**

**Southern California Permanente Medical Group; and Kaiser Foundation Hospitals** (21-CA-39296; JD(SF)-53-10) Los Angeles, CA. Charge filed by National Union of Healthcare Workers. Administrative Law Judge William L. Schmidt issued his decision December 13, 2010. [\[HTML\]](#) [\[PDF\]](#)

**Pantagraph Publishing Co.** (33-CA-15798, 15945; JD-68-10) Bloomington, IL. Charges filed by District Council Four, Graphic Communications Conference of the International Brotherhood of Teamsters. Administrative Law Judge Jeffrey D. Wedekind issued his decision December 14, 2010. [[HTML](#)] [[PDF](#)]

**National Security Technologies, LLC** (28-CA-22999; JD(ATL)-27-10) Las Vegas, NV. Charge filed by an Individual. Administrative Law Judge Margaret G. Brakebusch issued her decision December 14, 2010. [[HTML](#)] [[PDF](#)]

**Wynn Las Vegas, LLC** (28-CA-22818; JD(SF)-52-10) Las Vegas, NV. Charge filed by an Individual. Administrative Law Judge James M. Kennedy issued his decision December 14, 2010. [[HTML](#)] [[PDF](#)]

**United States Postal Service** (10-CA-38473, 38474; JD(ATL)-28-10) Jacksonville, AL. Charges filed by American Postal Workers Union, Gadsden Branch, AFL-CIO, Local 537. Administrative Law Judge Keltner W. Locke issued his decision December 14, 2010. [[HTML](#)] [[PDF](#)]

**Kadouri International Foods, Inc.** (29-CA-30342; JD(NY)-50-10) Brooklyn, NY. Charge filed by United Food and Commercial Workers, Local 342. Administrative Law Judge Eleanor MacDonald issued her decision December 15, 2010. [[HTML](#)] [[PDF](#)]

**Crane Healthcare Co. and/or Ebensburg Care Center LLC d/b/a Cambria Care Center, single employer** (6-CA-36791, et al., JD-71-10) Ebensburg, PA. Charge filed by Local 1305, Professional and Public Service Employees of Cambria County a/w The Laborers' International Union of North America. Administrative Law Judge David I. Goldman issued his decision December 16, 2010. [[HTML](#)] [[PDF](#)]

**Miron & Sons, Inc.** (2-CA-39597; JD(NY)-51-10) Bronx, NY. Charge filed by Laundry, Dry-Cleaning & Allied Workers Joint Board. Administrative Law Judge Steven Davis issued his decision December 17, 2010. [[HTML](#)] [[PDF](#)]

**Irving Ready-Mix, Inc.** (25-CA-31485 et al.; JD-69-10) Fort Wayne, IN. Charge filed by Chauffeurs, Teamsters & Helpers, Local 414, a/w International Brotherhood of Teamsters. Administrative Law Judge Paul Bogas issued his decision December 17, 2010. [[HTML](#)] [[PDF](#)]

**Hunt-Nieboer Concrete Construction, Inc.** (7-CA-52950; JD-72-10) Schoolcraft, MI. Charge filed by Local 16, Operative Plasterers' and Cement Masons' International Association, OP&CMIA), AFL-CIO. Administrative Law Judge Mark D. Rubin issued his decision December 17, 2010. [[HTML](#)] [[PDF](#)]

\*\*\*

To have the NLRB's Weekly Summary of Cases delivered to your inbox each week, please [subscribe here](#).